

SEA TRADE MARITIME CORPORATION,
et al.,

Plaintiffs,

-against-

STELIOS COUTSODONTIS, et al.,

Defendants.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

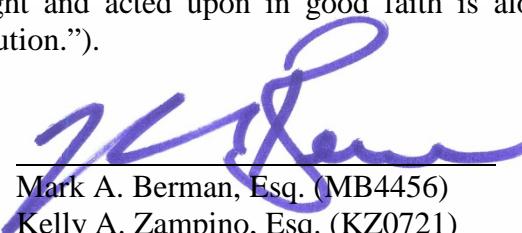
Civil No. 09-488 (LGS)(HBP)

ELEMENTS OF ADVICE OF COUNSEL DEFENSE

To establish an advice of counsel defense, a party must show that he:

1. Made a complete disclosure to counsel;
2. Sought advice as to the legality of his conduct;
3. Received advice that his conduct was legal; and
4. Relied on that advice in good faith.

Markowski v. S.E.C., F.3d 99, 105 (2d Cir. 1994)(citing cases). See also Frontera Fruit Co. v. Dowling, 91 F.2d 293, 297 (5th Cir. 1937) (holding in the context of an unlawful arrest of ship claim that “the advice of counsel, honestly sought and acted upon in good faith is alone a complete defense to an action for malicious prosecution.”).



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